

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

IN RE MERCEDES-BENZ EMISSIONS
LITIGATION

Civil Action No. 2:16-cv-881 (JLL) (JAD)

Motion Date: April 1, 2019

ELECTRONICALLY FILED

**DEFENDANTS MERCEDES-BENZ USA, LLC'S AND DAIMLER AG'S
NOTICE OF MOTION FOR CERTIFICATION OF ORDER
FOR INTERLOCUTORY APPEAL UNDER 28 U.S.C. § 1292(b)**

PLEASE TAKE NOTICE that, pursuant to Local Rule 7.1, Defendants Mercedes-Benz USA, LLC and Daimler AG (“Defendants”) shall move before the Honorable Jose L. Linares, U.S.D.J., on April 1, 2019, at the United States Courthouse, 50 Walnut Street, Newark, New Jersey, for an Order certifying for interlocutory appeal under 28 U.S.C. § 1292(b) the Court’s February 1, 2019 Order denying Defendants’ Motion To Dismiss And To Compel Arbitration, D.E. 162.

PLEASE TAKE FURTHER NOTICE that Defendants ask this Court to certify the following question:

Whether allegations that defendants deceived government regulators to obtain a certificate of conformity that allowed third-party dealers to sell an allegedly defective product to consumers are sufficient to establish proximate causation under the Racketeer Influenced and Corrupt Organizations Act (“RICO”), 18 U.S.C. § 1964(c).

PLEASE TAKE FURTHER NOTICE that in support of this motion, Defendants shall rely upon the accompanying Memorandum of Law.

Dated: February 28, 2019

Respectfully Submitted,

GIBSON, DUNN & CRUTCHER LLP

By: s/ Lucas C. Townsend
Lucas C. Townsend

Matthew J. Kemner
admitted pro hac vice
Troy M. Yoshino
admitted pro hac vice
Eric J. Knapp
admitted pro hac vice
Squire Patton Boggs (US) LLP
44 Montgomery Street, Suite 400
San Francisco, California 94104
Tel: (415) 743-2441
Fax: (415) 989-0932

Daniel W. Nelson
admitted pro hac vice
Geoffrey M. Sigler
admitted pro hac vice
Lucas C. Townsend
Chantale Fiebig
admitted pro hac vice
Gibson, Dunn & Crutcher LLP
1050 Connecticut Avenue, N.W.
Washington, DC 20036-5306
Tel: (202) 887-3731
Fax: (202) 530-4254

Attorneys for Defendants Mercedes-Benz USA, LLC and Daimler AG